



FARMERS
BRANCH

ORDINANCE NO. 3183

13435 Bee

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT-INTERIM USE WITH SPECIAL CONDITIONS FOR ON-PREMISE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN A QUALIFYING RESTAURANT ON PROPERTY IN PLANNED DEVELOPMENT NUMBER 70 (OLD FARMERS BRANCH - GENERAL BUSINESS) (PD-70 OFB-GB) ZONING DISTRICT ON LOT 1, BLOCK A, RENAISSANCE PLACE, AN ADDITION TO THE CITY OF FARMERS BRANCH, TEXAS, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF BEE STREET AND FRUITLAND AVENUE; PROVIDING FOR A SITE PLAN; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A RESOLUTION OF CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR RECORDING

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity; and

WHEREAS, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit - Interim Use on the property located in Planned Development No. 70 (Old Farmers Branch - General Business)(PD-70 OFB-GB) Zoning District and described as Lot 1, Block A, Renaissance Place, an addition to the City of Farmers Branch, Texas, according to the plat thereof recorded as Instrument No. 200600196135, Official Public Records, Dallas County, Texas ("the Property"), to wit:

1. The proposed use of the Property is consistent with existing uses of adjacent and nearby property;
2. The proposed use of the Property is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon

expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;

3. The proposed use of the Property will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;

4. The proposed use of the Property will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;

5. The applicant has proposed to make an investment of up to \$180,000.00 in improvements to the Property related to the use to be authorized pursuant to the issuance of the requested Specific Use Permit - Interim Use and has stated that such investment can be recovered within five (5) years from the effective date of said permit and this Ordinance; and

6. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit - Interim Use created hereby; and

WHEREAS, having held the above-referenced public hearing and making the above findings, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same are hereby amended, so as to grant a change in zoning by granting a Specific Use Permit-Interim Use with special conditions for On-Premise Sale and Consumption of Alcoholic Beverages within a Qualifying Restaurant within the Planned Development No. 70 (Old Farmers Branch - General Business) (PD-70 OFB-GB) Zoning District with respect to the use and development of the Property.

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within Planned Development No. 70 (Old Farmers Branch - General Business) (PD-70 OFB-GB) Zoning District, and, if developed and used for On-Premise Sale and Consumption of Alcoholic Beverages within a Qualifying Restaurant, the use and development of the Property shall conform to the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan attached as Exhibit "A" and incorporated herein by reference, and which is hereby approved.

- B. The hours of operation of the restaurant on the Property shall not commence earlier than 8:00 a.m. or occur later than 10.00 p.m. on any day of the week.
- C. The sale and service of alcoholic beverages on the Property not occur earlier than 12:00 pm. (noon) or later than 10.00 p.m. on any day of the week and shall at all times be in conformance with the Alcohol Awareness Program and Plan of Operations set forth in Exhibit "B," attached hereto and incorporated by reference.
- D. The sale and service of alcoholic beverages shall be limited to the restaurant developed on the Property;.
- E. The playing of live or recorded music or the use of sound amplification equipment for any purpose on the exterior of any building on the Property in association with operation of the Restaurant is prohibited.

SECTION 3. The above described property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. The provisions of this ordinance shall be controlling with respect to the use and development of the Property for the purposes authorized in Section 1, above. In the event of any irreconcilable conflict with the provisions of any other ordinances of the City of Farmers Branch, the provisions of this ordinance shall be controlling.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such case provide, and the filing in the Official Public Records of Dallas County, Texas, the notice required by Section 8-459, of the Comprehensive Zoning Ordinance, as amended, have occurred.

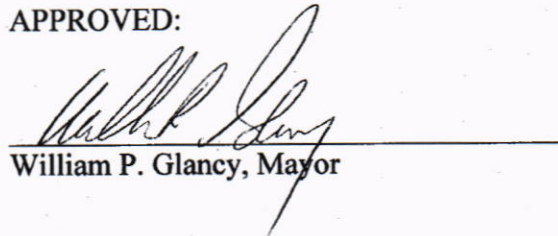
SECTION 9. This Ordinance and the right to use the Property for the purposes authorized herein shall terminate five (5) years from the effective date of this Ordinance.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 3RD DAY OF APRIL, 2012.

ATTEST:


Angela Kelly, City Secretary

APPROVED:


William P. Glancy, Mayor

APPROVED AS TO FORM:


Peter G. Smith, City Attorney
(kbl:3/28/12:54378)

Ordinance No. 3183
Exhibit "B"
Alcohol Awareness Program and Plan of Operations



The Victoria's Restaurant (Farmer Branch) for alcohol service, are as follows:

1. The Victoria Restaurant will require all service staff and managers to attend a State approved alcohol-service program. The program will comply with the Texas Alcohol Beverage Code.
2. All Victoria's restaurant service staff and managers will be required to successfully complete a written examination at the end of the State approved alcohol – serving program.
3. Customers will provide a legal picture ID that will consist of one of the following: Driver's License, Military ID, State ID or passport, upon request.
4. A Victoria's restaurant manager will be on duty to ascertain whether or not a customer can be served alcohol.
5. The Victoria's restaurant will abide by the Texas Penal Code.
6. The Victoria's restaurant will abide by the Texas Alcoholic Beverage Code.
7. All Victoria's restaurant employees who directly or indirectly handle alcoholic beverages will be at least 18 years of age.
8. Only Victoria's restaurant service staff will serve alcoholic beverages, and all alcoholic beverages will be served for consumption inside the restaurant only.
9. All customers who purchase alcoholic beverages must be at least 21 years of age.
10. Alcoholic beverages will not be sold, served or delivered to any person who is, or is believed to be intoxicated.
11. Anyone that is, or is believed to be intoxicated, will not be permitted to remain on the premises.
12. Victoria's restaurant will call a cab to transport anyone who is, or is believed to be intoxicated.
13. Any unlawful acts will be reported to the police.
14. No alcoholic beverages will be sold before opening.
15. No alcoholic beverages will be sold after closing.
16. The Victoria's restaurant will not hang any exterior sign advertising the sale of alcohol.
17. Victoria's restaurant gross sale of food shall be at least 60% of the gross sales for each quarterly reporting period.
18. Victoria's restaurant will exhibit liquor license and certificates as required.
19. The hours of operation for The Victoria's Restaurant: Monday through Sunday from 8 AM till 10 PM.
20. Alcohol serving hours: Monday through Sunday from 12 Noon till 10 PM.